First Friday Call: Incident Reports
December 6, 2019

For youth NOT in Direct Care status, served by EBA & AMI Sub-contracted Providers

Agenda

- Contract Language
- DJJ IR Form Overview
- Other SIRs and Needed Notifications
- Roll out times frames
Objectives

- EBA will review the contract requirements for Incident reports.
- DSPs will become familiar with the form and steps to notify incidents to DJJ and RSC agency.
- DSPs will share their rollout plan for their agency and ask questions as they arise.

All DJJ-funded or regulated programs/services will now utilize the same two forms for incidents:

- Service Provider and Local Partner Incident Report for Youth Not in Direct Care Status
- Service Provider and Local Partner Incident Report for Youth in Direct Care Status
Youth Status Options

- Diversion
- Pre/Post-Disposition
- Probation
- Parole

Direct Care
- Committed to the Department
- Residentally placed by DJJ CAP, OR service occur in a DJJ facility

All incidents for Direct Care youth are reported on the Direct Care Incident Form-

New VA DJJ SIR Form and Revised Process

- New Format developed for all youth served through sub-contracted agencies.
- Format aligns with Badge, DJJ’s data tracking system for all youth served including CPPs, detention centers, and DSPs.
- Ensures consistent information from all providers, based on the youth’s status.
A few highlights of the updated form include:

• Emphasis is placed upon the difference in reporting requirements by DJJ status (e.g., Community-Supervision / Not Committed vs Direct Care Status)

• To ensure timely communication, in instances when local DJJ cannot be reached, the instructions have been updated to provide contact information for DJJ’s 24-Hour After-Hours Intake Call Center in Williamsburg.

EBA Contract Language:

Serious incidents include, but are not limited to:

• Death
• Fire
• Alleged child abuse or neglect
• Serious juvenile injury or illness
• Serious staff injury or illness
• Juvenile on juvenile assault
• Juvenile assault on staff
• Staff arrest or serious misconduct
• Any other serious occurrence out of the ordinary course of operations that is likely to attract attention of the media or the general public or that could result in litigation.

All serious incidents, actual or alleged, relating to a Youth shall be reported by the DSP.
All serious incidents, *actual or alleged*, relating to a youth must be reported by the provider.

<table>
<thead>
<tr>
<th>Incident Type</th>
<th>SIR: EBA Contract Language</th>
</tr>
</thead>
<tbody>
<tr>
<td>Absent without Leave (AWOL)</td>
<td>The Serious Incident Report (“SIR”) shall provide a factual, concise account of the incident, to include:</td>
</tr>
<tr>
<td>Allegation of Sexual Assault on Youth</td>
<td>• the name of the DSP,</td>
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<tr>
<td>Allegation of Sexual Child Abuse or Neglect</td>
<td>• the name of the Youth,</td>
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<tr>
<td>Allegation of Staff Sexual Misconduct</td>
<td>• the date and time of the actual incident,</td>
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<tr>
<td>Allegation of Suspected Non-Sexual Child Abuse or Neglect</td>
<td>• the location of the incident,</td>
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<tr>
<td>Allegation of Youth Consensual Sexual Activity</td>
<td>• the names, titles, and locations of staff who responded,</td>
</tr>
<tr>
<td>Assault on Staff (by Anyone)</td>
<td>• a description of the incident including a clear statement of what happened</td>
</tr>
<tr>
<td>Assault on Youth (by Anyone)</td>
<td>including any physical evidence,</td>
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<tr>
<td>Death</td>
<td>• nature of the response including any use of physical force, any medical treatment,</td>
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<td></td>
<td>any external assistance, any program sanctions, criminal charges or</td>
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<td></td>
<td>justification when criminal charges are not sought in instances of assault causing</td>
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<td></td>
<td>serious injury,</td>
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<td></td>
<td>• the action taken,</td>
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<td></td>
<td>• the names of any witnesses,</td>
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<td></td>
<td>• any recommendations,</td>
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<td>• the name of the individual completing the report,</td>
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<td></td>
<td>• the date of the report,</td>
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<td></td>
<td>• and all notifications made.</td>
</tr>
</tbody>
</table>
SIR: EBA Contract Language

Notifications

• (1) the appropriate public safety authority, as required by law and the State licensing board;

• (2) Verbal notification of the incident shall be provided to the youth’s parent(s)/custodian(s) and CSU/CAP Staff on the day of the incident, and

• (3) Written notification of the incident, shall be provided to EBA and CSU Staff within one business day of the incident.
EBA Terms and Conditions

Compliance with Law and Policy.

- (1) PRIME CONTRACTOR’s written policies, procedures, and standards, and
- (2) all local, state, and federal laws, rules, regulations, and codes, related to the performance of Services pursuant to this Agreement.

The SIR Form for Youth on Non-Direct Care Status

1. Program Name: Enter the full name (no abbreviations) of the program reporting the incident.

2. Program Funding: Check all applicable program funding sources.

3. Program Licensing/Regulatory Entity: Check all applicable licensing agencies.

4. Program Address: Enter the full physical address of the program.

5. Incident Location: Enter the location where the incident occurred (e.g., youth’s home, school, dayroom).

6. Incident Location Address: Enter the full physical address where the incident occurred if the incident occurred off-site from the program.

7. Incident Date: Enter the date the incident occurred.

8. Incident Time: Enter the time the incident occurred.

9. Activity when Incident Occurred: Describe the activity (e.g., therapy session, school, meal) the youth was involved in when the incident occurred.

10. Report Date: Enter the date that the report was completed.

11. Report Time: Enter the time the report was completed.

Notifications: When to send the report?

- A typed incident report shall be securely emailed to the referring court service unit (CSU) staff or CSU supervisor and the RSC Agency.
  - The following incidents must be reported as soon as the situation is under control and without undue delay:
    Allegation of sexual assault on youth, Allegation of sexual child abuse or neglect, Allegation of suspected child abuse or neglect, Death, Fire, and Serious youth injury or illness.
  - All other incident types must be reported as soon as practicable following the incident but no later than 24 hours from the incident.
Notifications

All incidents must be communicated to the referring CSU staff and CSU supervisor. The CSU will subsequently notify DJJ's PREA Coordinator, as appropriate, and the community chain of command.

- The DSP should always ensure that their agency/company has contact information for the referring CSU staff and their immediate supervisor.
- In the event that the service provider cannot reach the referring CSU staff, CSU supervisor, CSU Director or other CSU staff member, the service provider should contact DJJ's 24-hour after-hours intake call center at (757) 887-5163 to request assistance in connecting with the CSU Director or another on-call staff member from the CSU.
- The parent/legal guardian must be notified of serious incidents involving youth under age 18. This includes notification of DSS, when applicable.
- Ensure the contact name and number are included for the law enforcement agency for subsequent follow-up by the DJJ Certification Unit.

20. Follow-up questions should be directed to:

The DSP designated staff name, title, phone number, and email address of the staff that CSU or the RSC may contact with questions regarding the incident and/or resident.
Confidentiality

Reports must be sent securely to RSC and CSU.

DSPS must hold and maintain Confidential Information in strictest confidence.

Tip: Learn the language and descriptions

For those outside of DJJ, the terms are a little different. If you have questions, please ask in advance or when making a verbal report to the CSU staff.
The SIR Form for Youth on Non-Direct Care Status

Overall Decision Tree

- Incident Happens
  - “Non reportable”
    - Communicate with CSU and EBA, as needed.
  - DJJ Incident Report for Non-Direct Care youth
  - DJJ Incident for Direct Care Youth
Incident report: Fact or Myth??

- Items listed on EBA contract and/or within the DSP policy, but not captured on the DJJ form, still need to be communicated.
- A required form is “no substitution for Solid Case Management”
- Important communication can get lost in a monthly report
- Weekly or bi-weekly updates to the CSU are important
- A provider may submit their own internal form, for items not listed on the VA DJJ Non-Direct Care Incident Report.

All Facts!

Next Step: Roll out

Timeframe: Implement NOW

Questions:
- How does this impact DSP internal processes?
- How will your agency roll this out to all staff? And monitor adherence?

Refer to the EBA website for additional information
Contact Kara Brooks kbrooks@ebanetwork.com